

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1754.01
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: May 16, 2001
DATE OF REPORT: June 13, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 30, 2001

COMPLAINT ISSUES:

Whether the North West Hendricks Schools and the Boone-Clinton-North West Hendricks Joint Services violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:

- a. Failing to provide individual assistance at certain specified times; and
- b. Failing to provide a calculator.

FINDINGS OF FACT:

1. The Student is eight years old and attends a local elementary school (the "school"). He is eligible for special education as a student with a learning disability and a communication disorder.
2. The Student's IEP, dated March 9, 2001, includes a behavior plan that outlines who is responsible for supervising the Student from the time he arrives at the school until he goes home. The Student's IEP also indicates that he is to have the use of a calculator as an accommodation for statewide and district-wide assessments.
3. On April 12, 2001, the Student was found, unsupervised, outside school grounds at recess. The Student's behavior plan specifically calls for the Student being supervised by school personnel within a specified playground area. The school principal confirmed this on May 21, 2001.
4. The complainant also alleges that the Student has been left unsupervised at other times but failed to provide any specific dates or facts. The school principal also acknowledged that there have been other times when, because a substitute teacher was not informed of the Student's behavior plan, the Student was left unattended.
5. The complainant also alleges that the Student does not have a calculator. The IEP does not specify the use of a calculator on a daily basis but does allow for the use of one as an accommodation on district-wide assessments. The Student participated in the spring district-wide assessment. Students complete the assessment on computer where they have the opportunity to use an on-screen calculator built into the assessment program. The Student had an aide assigned to help administer the assessment per the IEP.

CONCLUSIONS:

- 1a. Findings of Fact #2 through #4 reflect that the Student is to be supervised at all times during the course of the school day, including recess, as specified in the behavior plan. There was one confirmed instance when this was not followed and other times when, due to lack of coordination among school personnel, the Student was not supervised. A violation of 511 IAC 7-27-7(a) is found.
- 1b. Findings of Fact #2 and #5 reflect that the Student is to have the use of a calculator as an accommodation for district-wide assessments. The Student had use of a calculator during the spring district-wide assessment. No violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

North West Hendricks Schools shall develop a plan to coordinate supervision of the Student, according to his behavior plan, when substitute teachers and other personnel unfamiliar with the Student's routine are responsible for supervision. This plan shall be included with the Student's behavior plan. A copy of the plan and a letter of assurance shall be sent to the parent and the Division no later than August 31, 2001.

DATE REPORT COMPLETED: June 13, 2001